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PATENT
Attorney Docket No.: 021628-000810US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian P. Brockway et al.

Application No.: 10/756,188

Filed: January 12, 2004

For: THERAPEUTIC DEVICE AND
METHOD USING FEEDBACK FROM
IMPLANTABLE SENSOR DEVICE

Examiner: Unassigned

Art Unit: 3762

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Chun-Pok Leung
Reg. No. 41,405

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60346218 v1



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/756,188	
			Filing Date	January 12, 2004	
			First Named Inventor	Brockway, Brian P.	
			Art Unit	3762	
			Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket Number	021628-000810US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-6,600,949 B1	07-29-2003	Turcott	
	AB	US-6,575,912 B1	06-10-2003	Turcott	
	AC	US-6,527,729 B1	03-04-2003	Turcott	
	AD	US-6,561,948 B2	05-13-2003	Markyvech et al.	
	AE	US-6,491,639 B1	12-10-2002	Turcott	
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	AG	US-6,477,406 B1	11-05-2002	Turcott	
	AH	US-6,259,936 B1	07-10-2001	Boggett et al.	
	AI	US-6,033,366	03-07-2000	Brockway et al.	
	AJ	US-5,865,749	02-02-1999	Doten et al.	
	AK	US-5,487,760	01-30-1996	Villafana	
	AL	US-5,431,685	07-11-1995	Alt	
	AM	US-5,269,301	12-14-1993	Cohen	
	AN	US-4,846,191	07-11-1989	Brockway et al.	
	AO	US-4,774,950	10-04-1988	Cohen	
	AP	US-2002/0107559 A1	08-08-2002	Sanders et al.	
	AQ	US-2002/0072731 A1	06-13-2002	Doten et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
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Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO

(use as many sheets as necessary)

Sheet

2

of

2

Complete if Known

Application Number

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Filing Date

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First Named Inventor

Brockway, Brian P.

Art Unit

3762

Examiner Name

Unassigned

Attorney Docket Number

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NON PATENT LITERATURE DOCUMENTS

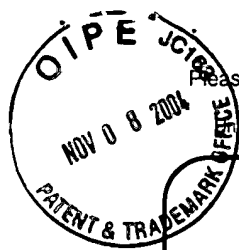
[illegible]

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RPTO/SB/21 (08-00)

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TRANSMITTAL FORM

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Application Number

10/756,188

Filing Date

January 12, 2004

First Named Inventor

Brockway

Group Art Unit

3762

Examiner Name

Unassigned

Attorney Docket Number

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ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

1) Return receipt postcard

~~2) Ombudsman reference~~

Remarks

The Commissioner is authorized to charge any additional fees to
Deposit Account 20-1430.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
and
Individual name

Townsend and Townsend and Crew LLP

Chun-Pok Leung

Reg No. 41,405

Signature

Date

November 1, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

November 5, 2004

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